ON GROUNDS OF IRRELEVANCY ATTORNEY ARNOLD MOVES TO STRIKE PART OF TESTIMONY

He Asks That Conley's Statement That He Acted as "Lookout" for Frank, and Part of Testimony Attacking Frank's Personal Character Be Blotted From Record — Attorney Hooper eDclares [sic] Defense Has Waited Too Long to Enter Objection

MYSTERIOUS "MR. DALTON" MENTIONED BY CONLEY MAY BE CALLED BY SOLICITOR TO CORROBORATE NEGRO

It Is Said That Dalton Is Within Reach of State—With Conley Still Under Cross-Examination and Other State Witnesses, Including Dr. Harris, Yet to Be Heard, Indications Are Tuesday That Trial Will Last Three Weeks, If Not Longer

Attorney Arnold entered the court about two minutes late. Mr. Rosser had not arrived. Mr. Arnold asked the jury be sent out, and stated that he had several motions to make. The jury went out. The first, he said, was a motion to exclude certain testimony from the record on the ground that it was wholly irrelevant, incompetent and inadmissible. Mr. Arnold held a long typewritten document in his hands.

"We move, first," he said, "to exclude from the record all the testimony of Conley relative to watching for the defendant, and we withdraw our cross examination on that subject.

"Second, Mr. Arnold moved that a portion of the negro's testimony attacking Frank's character, which was brought out through questions propounded by the solicitor be ruled out."

When a recess was ordered in the Frank trial Tuesday at 12 o'clock, Jim Conley, the negro sweeper at the National Pencil factory had been cross examination for eight hours. Beyond showing to the jury that Conley had been arrested seven times since his employment at the pencil factory, that the negro had lied in the several affidavits given by him to the police, and that by his own admission he had drunk a mixture of wine and beer on

the morning of the Saturday that Mary Phagan was murdered, Luther Rosser had made little progress towards breaking [...]

free to admit in answer to the attorneys rapid fire of questions that he had not told the whole truth in the statements and affidavits made by him some weeks ago. The only explanation he gave was that he was not ready to tell it all at the time he made these statements and that he was holding back some of it." When, however, Mr. Rosser approached the negro's story as related on the stand Monday, he doggedly declared that he had told the truth. Questions hurled at him with a view to trapping him were without effect, for each time the negro was ready with an adriot [sic] reply.

It is believed that Conley will be under cross-examination during the rest of the afternoon, and possibly again Wednesday morning. When court adjourned late Monday, Attorney Reuben R. Arnold announced that the negro's examination was not half over, and it seems certain that the defense will exhaust every effort to break down the negro and secure from him admissions that the sensational story told by him on Monday is a fabrication.

The mysterious "Mr. Dalton" mentioned in the testimony by Jim Conley Monday as having made visits to the National Pencil factory in company with women who came there to see Leo M. Frank, the accused factory superintendent, has been located, it is said, and it was rumored in the court room Tuesday that Solicitor Dorsey would put him on the stand to corroborate portions of Conley's testimony.

A tablet of strychnine was given to the negro witness about 1 o'clock to prevent him from falling under the strain of Attorney Rosser's questions. The negro at the time had shown no signs of weakness, but owing to his long confinement without exercise it was feared that the strain might prove too much for him to stand.

NO WOMEN ALLOWED.

At 8:40 o'clock Tuesday morning, when the doors were opened for the public to enter the court room, some 400 people were in the

long single column of applicants for admission. Many of them had been there since 6 o'clock. About 250 were admitted, filling the court. Then the doors were shut. No women were allowed to enter.

Leo M. Frank, the accused, arrived at the court house about 8:40 o'clock, accompanied by Sheriff Mangum. James Conley, his negro accuser, arrived a few moments later in custody of a deputy sheriff, having spent the night incommunicado in the county jail. The negro was taken into the court room. Shortly afterward the defendant, Frank, his wife, his mother and his father-in-law, Emil Selig, entered court and gazed constantly at the negro, looking him out of countenance. His eyes evaded theirs. Judge Roan arrived several minutes before court was due to convene. The jury was there.

Attorney Rosser resumed the cross-examination of Conley immediately after court convened.

The attorney questioned the negro minutely with reference to the witness examination by detectives on May 22.

"When you talked to Black and Scott on Saturday, you told them that you wrote the notes on Friday, didn't you?"

"I don't remember the day, but I did tell them that."

"It was ont [sic] true, was it?"

"No, sir, it was not true."

CAN'T REMEMBER.

The negro couldn't remember anything more about that particular conversation. Attorney Rosser asked:

"They tried their best on May 27 to get you to make a change, didn't they?"
"No, sir."
"Didn't they tell you it wouldn't do—that it wouldn't fit in?"
"No, sir, they just asked me if that was all."

The negro couldn't remember the day of the week when that conversation took place, nor the day of the month.

"Well, on May 28, Scott and Lanford talked to you for four hours, didn't they?"

The negro answered that Detectives Scott and Lanford had talked to him for a good while, but he didn't know how long.

"Didn't they stay with you all day?" asked Mr. Rosser.

"No, sir."

"Well, at any rate, didn't they stick to you closer than brothers?"

The negro made no answer.

"Didn't they call attention to parts of your statement that didn't sound right?"

"Not to me."
"Well, what were they talking about all those hours?"

"They were talking about what I was talking about."
"What did you say to them, Jim?"

Attorney Rosser was referring to a book of typewritten pages while he questioned the negro.

TELLS ROSSER TO EXPLAIN IT.

"You go on and explain it," answered the negro. "I can't remember. You've got the book."

"Mr. Black talked to you a lot, didn't he? And Mr. Lanford?"

"Mr. Black talked to me a good deal and Mr. Lanford a little."

Attorney Rosser continued to ask Conley about the third statement, made May 28.

"In this sta[te]ment, Jim, you changed [...]

CONLEY HOLDS OUT AGAINST ROSSER'S CROSS FIRE

[...] the time that you say you went to the factory, Friday to Saturday, didn't you?"

"I guess so. I don't remember the day, though."

"Why did you do it?"

"I didn't want to put myself in the factory at all on Saturday."

"You didn't want to get mixed up in it. Is that it?"

"Yes, sir, that's it."

WANTED TO KEEP OUT.

"That was the reason you didn't say you could write at first, wasn't it? You didn't want to get mixed up in it?"

"Yes, sir."

Attorney Rosser asked Conley a number of questions about the jail and the police station, drawing a comparison between the two. He asked the negro if he didn't like the police station better than the jail.

The negro replied that he liked both places as long as he had to stay in jail.

Solicitor Dorsey objected to these questions, unless the records of the police station and the jail were introduced in evidence. It was irrelevant anyway, said he.

Attorney Rosser replied to the solicitor.

"You needn't worry. I'm going to introduce those records. I'm going to show how you took him to the jail and then took him away from there right away, too."

Attorney Arnold said to the solicitor, "You needn't be afraid. We're going to put up the evidence."

Solicitor Dorsey replied: "Then I withdraw my objection, upon that assurance."

Attorney Rosser said: "I'll withdraw that statement. I don't want to commit myself."

"SHOOT ANY OLD WAY."

Solicitor Dorsey renewed his objection. After some more conversation, he withdrew it again. "Go ahead, shoot any old way," said the solicitor.

Attorney Rosser continued questioning the negro.

"So you finally, without any fear of anything, after four hours' questioning, went ahead and said you were going to tell the whole truth, did you?"

"Yes, sir. I told them that."

"Well, why did you tell that you didn't get up till 9:30?"

"Well, I was at the factory at 9:30, and I didn't want to tell them that."

"But you said you were telling the whole truth then?"

"I wasn't telling all of it."

"You told the officers you saw the clock on a negro university and it said 9 or 9:30, didn't you?"

"Yes, sir, I said I saw the clock, but I didn't tell them what time it was. I said I couldn't see the hands."

"Oh, you said it was cloudy and you couldn't see the clock?"

"Yes, sir."

"Did you see what time it was?"

"No, sir."

CLAIMS TRUTH NOW.

"Well, Jim, what are you telling isn't true, anyhow, is it?"

"Yes, sir."

"You say you couldn't tell the time; what time did you tell the officers you saw it?"

"I told them I thought it was about 9 o'clock."

"But it wasn't 9 o'clock, was it?"

"I told a story about the time."

"You told them you'd forgotten, but it was between 9 and 9:30, didn't you?"

"I disremember."

"What did you tell them you had for breakfast that morning?"

"A piece of liver steak, a piece of bread and a cup of tea."

"Didn't you tell them you had some sausage?"

"I told them there was some sausage on the table, but I didn't tell them I ate any of it."

"Did you ever see a negro fail to eat sausage when there was some on the table in front of him?"
"Yes, sir."

"What did you eat?"

"I ate some steak, some liver, some bread and some tea."

"You told the officers that you sat down in the chair a while after breakfast, didn't you?"

"Yes, sir."

"But that ain't so, is it?"

"No, sir."

TRIES TO TELL TRUTH.

"Jim, when did you really get up? Try to tell the truth, now. Tell us when you got up."
"About 6 o'clock."
"And you told the officers 9 or 9:30?"

"Yes, sir."
"You told the officers that you sat in a chair for about 10 minutes after you ate?"

"Yes, sir."

"Well, what else did you tell them at this time?"
"I disremember. If you'll read it to me, I can tell you."

"I guess you can. You told the officers that you went straight to Peters street, didn't you?"

"Yes, sir."

"Well, why didn't you tell me that?"

"READ IT AND I'LL TELL YOU."

"I forgot. I told you if you'd read it to me I'd tell you."

"You mean if I repeat the story you've learned, you can repeat it back to me?"

"No, sir."
"You told them that you went to a beer saloon on Peters street, didn't you?"

"Yes, sir."

"What beer saloon did you tell them you went to?"

"A saloon at the corner of Haynes and Peters streets."

"What else?"
"I told them I drank two beers and I saw a fellow in the saloon with a whip around his neck—a man who drives a dray."

"Did you tell ‘em this at that time?"

"I don't know about that time, but I did tell ‘em that."

"What did you tell ‘em was the name of that fellow that had the whip around his neck?"
"I told ‘em they called him Bob."

"In your statement on May 18 what saloon did you tell them you visited? A whole lot, eh?"

"I told them three saloons."

"This was the first time you ever talked to them?"
"I do not know if it was the first time."

"What saloon did you tell them you went to the second time you talked to them, when you told them you were going to tell the whole truth?"

"I disremember which ones I told them that time, but I can tell you the saloons."

FORGETS TELLING OF WHISKY.

"In that statement, didn't you tell them you bought some whisky?"

"I don't know if I told them about the whisky that time."

"You told them that you bought the liquor at 11 o'clock? That was a lie, wasn't it?"
"Yes, sir."
"Well, why did you tell them that? Why didn't you tell them it was before 8?"

"I didn't want to put myself in the factory twice."
"Why?"
"Because there was nothing doing there." The negro reaffirmed that this was his only reason for the statement.

"When did you first tell that you got to the factory at 8:30? Before or after they took you from the jail to police station?"
"I think it was afterwards."
"Then you've made most of these elaborate changes since you left the jail?"
"Yes, sir."

TOLD STORY TO STARNES.

"Whom did you first tell that you got to the factory at 8:30 instead of 10:30?"
"It think it was Detective Starnes and Campbell."

"And that was after you got back to headquarters."
"Yes."

"Whom did you first tell that you didn't leave home at 9 o'clock?"

"I don't remember."
"Well, why did you change the story?"

"Just because I knew that the truth was bound to come."

"Well, that was a long time after you had told that Mr. Frank got you to move the body, wasn't it? And you told them at that time that you were telling the whole truth, didn't you?"

At this point Solicitor Dorsey interrupted the cross examination, objecting to what he termed "the comments" of Mr. Rosser. In the course of his statement to the court, the solicitor said, "I have no objection to your going on here till Saturday night, but I want the examination to be conducted in a lawful manner."

CAN'T DISPUTE WITNESS.

Judge Roan stated that Mr. Rosser could ask the negro if he had not made certain statements, but that he could not argue or dispute with him.

"I'm not disputing with him. I'm treating him in a perfectly ladylike manner," retorted Mr. Rosser. He continued his examination.

"The first time you told about moving the girl's body, didn't you say you were going to tell the whole truth?"
"Yes."

"Still, in that statement you claimed that you got to the factory after 10 o'clock?"

"I don't know why I didn't correct it then, but I did afterwards," said the negro. "I don't think they asked me about it."

"Well, why didn't you correct them about the whisky then?"

"I did tell the truth about it, but I don't remember the time."

"Yes, but in that statement where you said you were telling the whole truth, you said it was 11 o'clock?"

"No, sir, I never did say it was at 11."
"How much beer did you tell them that you drank that morning?"

"Four beers."

"Didn't you tell them it was six beers and some of them double-headers?"

"I don't remember telling them that."
"The first saloon you got into, you told them you bought two beers, didn't you?"
"Yes, sir."

"Well, you told them you bought six beers altogether, didn't you?"
"No, sir, I said four or five beers."

"Didn't you tell them you had a couple of double-headers?"

"No, sir, I didn't say anything about double-headers."

"Well, did you tell ‘em you bought the wine, that time?"

PUT WINE IN HIS BEER.

"No, sir, I didn't tell them nothing about buying wine. I said I had some put in my beer."

"You didn't tell them that at that time, did you?"
"I'm not certain. I don't know about that."
"Well, then, isn't it a fact that you never told them you'd bought wine, until after you'd been brought back from the jail?"

"I don't know, sir."

"Well, when was it you bought this wine?"
"On Saturday morning."
"And you never told anybody about that until you were taken from the jail to the lockup?"
"I don't know. I told Mr. Black and Mr. Brott, though, some time."

"Well, when was it, Jim?"

"I don't know, sir, but I told them."

"Your memory isn't very good, is it Jim?"

"It's better this morning."
"Oh, it's improved over night, has it?"

FRANK LAUGHS.

At this juncture Leo M. Frank and Mrs. Frank both laughed, and the negro grinned.

"So the jail helped you out last night, did it, Jim?" Mr. Rosser continued.

"I don't know about that. It's better though, this morning."

"Oh, it's not any better this morning, is it?"

"Yes, sir."
"It was pretty bad last night, wasn't it?"
"No, sir, not so very bad."

Attorney Rosser asked Conley this question: "Now when you made the statement, you said you went straight from Peters street to the Capital City laundry, didn't you?"
"I don't know, sir."
"Ain't your memory good enough for that, Jim? Ain't it, Jim? Tell me."

"I remember going to the laundry. I don't know what I told them about it, though."

"Well, didn't you tell the detectives that you went from Peters street to the Capital City laundry and met Frank on the way?"

"I don't remember saying so."
"Didn't you tell it, now?" repeated Mr. Rosser.

"I don't know."

"Well, if I ask you if you remember a thing, and you say you do, and then I turn around and put it in different words and ask you again, you can't remember it, can you?"
"I don't know, sir."
"You told the officers the first time that you went from Peters street direct to Nelson and Forsyth streets, didn't you?"
"Yes, sir."

ADMITS FALSE STATEMENT.

"That was a story, wasn't it?"
"Yes, sir."

"But now you say you went from the factory to Nelson and Forsyth streets, don't you?"

"Yes, sir."
"Why didn't you tell them in your first statement that the first time you met Frank was after you left the factory?"

"I did tell them that."

"But not in your first story?"

"I don't remember which story it was."
"What officers did you tell that to?"
"I disremember. It was Mr. Starnes or Mr. Campbell or Mr. Scott or Mr. Black."

"Was that before or after you were brought back from the jail, that you told them that?"

"Before."
"How long before?"
"I don't know."
"In your first statement, didn't you tell them that when you met Frank at Nelson and Forsyth streets, he asked you where you were going?"
"I disremember."

"Then your memory's not any better today that it was yesterday evening? It doesn't improve?"
"Yes, sir."

WHAT FRANK SAID.

"Well, improve it again and tell me what Frank said to you."

"He said, ‘Ha, ha'—"

"That's what you say now. Tell us what you told the officers. Didn't you tell them that Frank asked you where you were going, and you told him you were going to the Capital City laundry to see your mother?"
"He said, ‘Ha, ha'—"

"I'm asking you what you told the officers before you told them he said, ‘ha, ha."

"I disremember."

"You don't remember telling the officers that he asked you where you were going, and that you answered you were going to the Capital City laundry to see your mother?"
"No, sir."

WASN'T TRUE.

"Well if you did tell the officers that, it wasn't true, was it?"
"No, sir, it wasn't so."

"In your statement to the officers, how long did you say Mr. Frank stayed at Montag Brothers?"

"I don't know."

"Didn't you say twenty minutes?"

"Yesterday you said you didn't have no idea how long he was gone."

"They told me to fix a time, and I told them the best I could."

"Did Mr. Frank stay an hour at Montag's?"

"I don't know how long."
"Well, you told the officers about twenty minutes?"

"That's what I told Mr. Scott."

"And you had no idea then, and you haven't got any idea now, how long he stayed at Montag's?"

"No, sir."

"Didn't you say yesterday that Frank didn't say anything to you from the time he left Nelson and Forsyth streets until the time he got to the factory?"

DIDN'T CATCH REMARK.

"No, sir. I said when he was in front of that store and liked to have run into the little baby, that he turned around and said something but I didn't know what he said."

"You didn't tell the police that?"
"Yes, sir."

"Whom did you tell?"
"I don't know which one."

"Was that before or after you got out of jail?"
"After."
"You got out of jail on June 11, didn't you?"
"I don't know, sir."
"Then you didn't tell that until after June 11?"
"I don't know. I told it after I got out of jail."
"Why didn't you tell about the baby transaction, when you were telling the story about moving the body?"

"I did tell them about it, but I don't know in what statement."

"Did you tell Mr. Dorsey that?"
"Yes, sir."
"After you got out of jail?"

"Yes, sir."
"How long after?"
"I don't know."
"Why didn't you tell the officers Frank wanted you to watch for him after you went back to the factory that Saturday?"

"I did."
"Well, why didn't you tell them that at the same time you were telling about moving the body?"

"I did tell them, but I don't know when."

"Well, tell me when and to whom you told that."

"I disremember."

"Why didn't you tell about his stomping his feet when you first told about moving the body?"

"I don't know when I first told about him stomping his feet."
"Whom did you tell about it?"

"Mr. Scott, Mr. Black, Mr. Campbell and Mr. Starnes."

In his examination, Attorney Rosser then left the statements which the negro had made to the police and began questioning

him about what he actually saw and did on the morning of the tragedy.

QUESTION ABOUT TRAGEDY.

By a tedious examination, he brought out statements to the effect that the negro saw Darley and Miss Mattie Smith at the factory before he went to Montag's, and that he also saw Darley after he had returned. The negro said that on going to the factory that morning he remained about half an hour after his conversation with Frank. However, he replied, "yes" to this question: "You saw Darley and Miss Smith about 9:30 o'clock before you left, didn't you?" Mr. Rosser asked him if he was certain of this, and the negro replied yes.

Attorney Rosser also brought out the statement that he saw Mr. Holloway talking to a peg-legged negro after he came back from Montag's and a short time before Darley finally left the factory. After talking to the peg-legged negro, said Conley, Mr. Holloway went upstairs, and came down again in about fift[e]en minutes later with a different coat on, and his hat, and left. The negro said that anyone coming down the steps could have seen him at the point where he was sitting on the box.

The negro stated, under continued questions, that for a long time he was mistaken and thought he saw Darley and Miss Smith after he went back to the factory from Montag's.

"Who corrected that?" demanded Mr. Rosser.

"I did myself—I just remembered it," said the negro.

"Whom did you tell—Mr. Dorsey?"
"Yes, and Mr. Starnes and Campbell, too." The negro added that he made the correction after he had been taken back from the tower to the jail.

"IF IT'S THERE I SAID IT."

"About the lady in green, Jim, didn't you tell the detectives that after Mr. Holloway went up she came down?"

"No, sir, I don't think I told ‘em that."
"Didn't you tell them that, Jim?"

"Well, if it's down there, I must have told them that, but I made a mistake if I did."
"Well, who do you say now went up first."

"She did."
"When did you say yesterday that Mr. Quinn went up?"
"I said he was the last man that went up."

"Well, didn't you tell the officers that you saw Mr. Holloway going up, and that then came a lady in a green dress?"
"I don't know. If I did, I made a mistake."

"How many mistakes did you make in this matter?"
"I don't know."
"How long did you tell the officers she stayed up there?"
"I don't remember."
"How long did she stay up there?"

"A good while."
"What do you call a good while, now, Jim?"
"Ten or fifteen minutes."

"Didn't you tell the officers she stayed up there six or seven minutes?"
"I don't know."
"Is that another mistake?"
"Well, if it's down there I must have said it."
"After that lady came down, how long was it before the next person came in?"

"I don't know."
"Why didn't you tell the officers about the other people that went up there that time?"
"Well, I didn't want to give them too many names then."

WANTED TO STEER CLEAR.

"You didn't want to be connected with it, huh?"

"I guess that's it," replied the negro.

"Well, four were enough to connect with it, weren't they?"
Before Conley could answer, Solicitor Dorsey objected to the question on the ground that it was a manner of argument. Judge Roan, after listening to Solicitor Dorsey's argument of about a minute, ruled: "Well, if it's a question of argument, I'll rule it out."
"May I ask your honor to have the stenographer read the question?" said Solicitor Dorsey. The stenographer read it. Judge Roan held that it was a matter of argument, and Attorney Rosser said: "Well, then, I'll put it another way."

"You did know that four others went up and down and that all had an opportunity to see you?"
"Yes, sir, if they looked over there."

"You didn't tell about the others, for fear they would report on you?"

"I never had thought about it."
"Why didn't you tell the policemen about them?"
"I didn't think about it."
"Was it before or after you were in jail that you corrected the statement?"
"I don't know, sir."

"So that was just an honest mistake of yours, about people going up and down?"
"No, sir."

"Well, who did you correct it to?"
"To Detectives Starnes and Campbell."

"Where?"
"At police headquarters?"
"Was Solicitor Dorsey there?"
"I don't know, sir, whether he was or not."

"You are not sure, are you, whether you corrected this statement at police headquarters or at Dorsey's office?"
"I think it was at headquarters."

"How many times have you been to Mr. Dorsey's office?"
"Three times."
"How many times has Mr. Dorsey been to headquarters to see you?"
"About four times."

WANTED TO HOLD BACK.

"Then it took Mr. Dorsey seven times to get your statement straight?"
"I just told a little more each time."

"Then you'd add a little and take a little away?"
"I didn't want to tell it all."

"Why?"
"I wanted to hold back some."

"Well, when you told about helping Frank to move the body, you told it all, didn't you?"
"I don't know."

"You couldn't help Frank then by holding back anything, could you?"
"I don't know, sir."

"Well, why didn't you tell it all, then?"
"I wanted to hold back some."

"You had to correct a lot of stories?"

"Yes, sir, I had to make some corrections."

"You've been kept busy correcting your stories and adding to them?"

"No, sir."
"Well, it took Mr. Dorsey seven times to get it straight, didn't it?"

"I don't know. I didn't tell it all at any one time."

"You told the officers that as soon as Frank whistled you went up and found him at the head of the stairs?"

NEGRO TAKES STRYCHNINE.

The jury asked to be excused at this juncture. While the jury was out, Conley took a tablet that a court attache gave to him. It was explained that it was a strychnine tablet. "The negro is weak," said the attache, privately. "He's been locked up in a cell and hasn't had any exercise, and this physical strain is telling on him."

When the jury returned, Mr. Rosser resumed his questioning, the concluding question being forgotten for the moment. Mr. Rosser continued questioning the negro about his statements to the police.

When he brought from the negro the admission that a certain minor statement by himself was a lie, Solicitor Dorsey interrupted again with his previous objection against what he termed Mr. Rosser's effort to impeach the witness without resorting to the methods prescribed by the code for that procedure.

Mr. Rosser's question was read to Judge Roan, who held that the attorney had not followed the rule in that he had not called the negro's attention to the time, the place, and the people to whom he made the statement.

ROSSER CHANGES QUESTION.

"At the police station, on May 28, in the county of Fulton, state of Georgia, city of Atlanta, in the presence of Detectives Black and Scott," asked Mr. Rosser of the witness, "didn't you say that you went to a moving picture show that afternoon?"
"I didn't say that I went inside of a moving picture show," said the negro, "I told them that I went by a moving picture show and looked at the pictures on the outside."

"And that is the truth, is it?" asked Mr. Rosser.

"Yes, sir."

"Did you go back to Peters street before you went home?"

"Yes."

"How long did you stay?"
"About five minutes."

"How much beer did you drink?"
"About two glasses."

"Were they double-headers?"
"I don't remember."

"On May 29, to Black and Scott, you added some more things and said that that made the whole truth."
"I don't remember. I know that I kept adding things, several times, that I'd been holding back."

"After each of these additions you were visited by Mr. Dorsey, weren't you?"
"Not all of them."

"Then you visited Mr. Dorsey—I don't mean socially, but for these corrections."

"Yes, sir."

"He sure did," said Mr. Dorsey, in an aside.

Attorney Rosser again abandoned the negro's statements to the police.

"On Friday Frank talked to you and Miss Willis saw him, you said yesterday, didn't you?"
"No, I didn't say that. I said Miss Willis could have seen us."

"Well, the next morning, you just happened to meet Mr. Frank at the front door, did you?"
"We got there at the same time, but he went in ahead of me."

"Did you lock the door any time that day?"
"Yes, sir, I locked it."

"What time was it?"
"I don't know.

HEARD GIRL SCREAM.

"And you heard the screaming, and then the stamping? Did you lock the door then?"
"Yes, sir."

"But it was unlocked while you were upstairs, wasn't it?"

"No, I unlocked it when I heard the whistle, before I went upstairs."

"You said yesterday that Frank showed you that day how to unlock the door, didn't you?"
"Yes, sir."

"Well, hadn't he showed you before?"
"Yes, on Thanksgiving day."

"Well, why did he do it again?"
"I don't know."

"Anybody could have come in there while you were upstairs, couldn't they?"
"I don't know anything about that. I didn't see anybody."

"You say now that Frank went into the pencil factory a little before you?"
"Yes, sir."

"Well, yesterday, didn't you say you went in together?"
"I don't know."

RIGHT BEHIND FRANK.

"Well now, let's see." The attorney went through a transcript of the statement that Conley made Monday. Then he read Conley's answer in which Conley said Monday that Frank and he entered the factory together. "Did you make a mistaken, Jim?" asked Mr. Rosser.

"Well, I was right behind him."

"Did Frank say anything about the Capital City Laundry, at the factory, when you told him you wanted to go down there and see your mother?"

"Yes, sir."

"What were his exact words?"

"Well, I don't remember his exact words, but he said something about it."

"Well, now, tell me one thing Mr. Frank said when you told him you wanted to go to the Capital City Laundry."

"One thing he said was: ‘Don't let Mr. Darley see you.'"

"Oh, Jim, I don't mean that. I mean in answer to your telling him you wanted to go. What did you answer when I asked you that yesterday?"

Mr. Hooper objected to the question. He addressed the court. "Your honor, Mr. Rosser is examining this witness upon the record of yesterday. I submit that if he intends to pursue this line of questioning, he should put this in as evidence or let the witness read it or have it read to him. This is the same as any other written testimony.

SAME LIE TWICE?

"The witness has the right to refresh his memory on it the same as on any […]

WITNESS HAS UNDERGONE EIGHT HOURS' GRILLING

[…] other written testimony. The opposing counsel can't be allowed to discredit this witness in this manner. In the eyes of the law, the transcript of yesterday's testimony is now written evidence. It's written evidence as soon as it comes from the witness' mouth. It's a superhuman task for the witness to remember the sequence of the questions he was asked yesterday. I object to Mr. Rosser asking the witness questions in this manner."

Attorney Rosser arose. "It's not superhuman for the witness to tell the truth twice?" he expostulated. "Or a lie twice. I'm going to see if he can tell the same lie twice."

Mr. Hooper reiterated his argument, declaring it was unfair to the witness for the defense to proceed in this way. If Attorney Rosser

was going to pursue this line of questioning, he would insist on the testimony being read to the witness to refresh his memory.

Mr. Rosser arose again and said that he didn't intend to ask the witness the sequence of the questions, and that he wasn't using the transcript of yesterday's testimony to impeach the witness. "I've got ‘em," he said, "simply to aid my memory I want to see if he can repeat the answers to the questions I asked him yesterday."

Attorney Hooper said, "If he wants to do that, let the stenographer read the questions. He's sworn to read them correctly."

ROAN RULES WITH ROSSER.

After some other argument, Judge Roan ruled with the defense, with the understanding that the questions would not be argumentative or aimed to impeach the witness directly on his own testimony.

"Jim, did Mr. Frank tell you why he wanted you to meet him at Nelson and Forsyth streets?"
"No, sir."

"You could have come back to the factory from the laundry just as easily, couldn't you?"
"Yes, sir, if he hadn't told me to meet him."

"Jim, you told the officers first that you met Frank there by accident, didn't you?"
"I disremember."

"You got to Nelson and Forsyth streets about 10:30?"

"Between 10 and 10:30."

WHAT FRANK SAID.

"When you saw Frank going to Montag's it was after 10 o'clock and before 10:30. You don't know how long he stayed. I believe you said, but you thought it was about an hour?"
"Yes, sir."

"Then it must have been 11:30 when he came on back?"
"I don't know what time it was."

"When Frank saw you standing there at Nelson and Forsyth streets, what did he say?"
"He says, ‘Ha, ha! Ha, ha! You's here, is you?'"

"What else did he say?"
"Wait here a minute until I go to Montag's.' I was standing on Nelson street across Forsyth on the corner nearest toward Mitchell street."

"And you think you stood there waiting for Frank for about an hour?"
"I don't know."

"Well, what is the best of your recollection?"
"It might have been about a half an hour."

"You said just now it was about an hour?"
"I said I didn't know exactly."

DON'T KNOW.

"You don't know why he wanted you to meet him there?"
"No, sir."

"And that was all the conversation he had with you?"
"Yes, sir."

"When was it he told you that a young lady was coming to chat with him?"
"The last time was at the factory."

"He told you that, then, before you left the factory and after you got back to the factory?"
"Yes, sir. After we got back to the factory and just before he showed me about locking the door."

"What else did he tell you about the door?"
"He showed me how to turn the lock and told me nobody who didn't have a key could get in."

"Why didn't you tell us about the key yesterday?"
"I did."

"Now Jim, didn't he say he told you to just turn the knob and nobody could get in?"
"I told about the key."

"You say he told you he was going to stamp on the floor, and when you heard him stamp to lock the door, and when you heard him whistle to unlock the door and come upstairs?"

EXPECTING A CALLER.

"Yes, sir, he told me that after he told me to sit down on the box."

"He had told you about these signals before, hadn't he?"
"Yes, sir, on Thanksgiving."

"Why did he repeat it?"

"I don't know, sir."

"Then what?"

"When I saw down on the box Mr. Frank told me there was going to be a young lady up here directly and he was going to have a little chat with her."

"What's the name of the lady in the green dress, who came in?"

"I don't know."

"What time did she come in?"

"I don't know."

"Well, hadn't you been back from Montag's only five minutes?"
"I couldn't tell—it hadn't been long."

"How long did she stay?"
"About fifteen minutes."
"Did the peg-legged negro come then?"
"Yes."

"Didn't you say in your second tale to Black and Scott that the peg-legged negro came first?"
"I don't believe I did."

"How long had she been gone before the negro came?"
"Two or three minutes."

"Mr. Holloway went out to the wagon and talked with the man, didn't he?"
"Yes, sir."

"Didn't you say yesterday that he read a bill?"

"Not out at the wagon. He read that coming down the steps."

"How long was it before Darley came down?"
"Five or ten minutes."

"Then Holloway went out and the green dress lady went out, and then Quinn came, didn't he?"
"Yes."

COULDN'T MIX HIM.

"Did he go up and come back before Monteen Stover and Miss Mary Phagan went up?"

"He came up after Miss Stover had gone out. They were all three there almost together."

"Now, let's see," said Mr. Rosser. "First Quinn came and left, and then Miss Monteen Stover came, and then the lady that's dead?"

"No, sir," said the negro. "The lady that's dead came first, and then Miss Monteen went up and came back down."

"Are those all the people you saw?"
"I think so."

"Didn't you see Mrs. Mae Barrett?"
"No, sir."

"Didn't you see Miss Corinthia Hall, and Miss Hall, the stenographer, and the office boy, and Miss Emma Clark?"

"No, sir."

"Didn't you see Mrs. White?"
"No, sir."

"Well, then," said Mr. Rosser, "the people you saw there were Holloway, the peg-legged negro, Mr. Darley, the green dress, Quinn, Miss Mary Phagan and Miss Stover?"
"Yes, sir," answered the negro.

"Well, did you stay right there on that box all the time?"
"No, sir. I left it twice for a minute or two."

"Are you certain you went to sleep after Miss Stover left?"

"Yes, sir."

"You locked the front door after you woke up?"
"Yes, sir."

"Didn't you get up to let somebody in?"
"No, sir, there wasn't nobody came."

"Mr. Frank didn't give you notice to lock the door until after Miss Stover had gone up, did he?"
"Not till after she came down."

SCREAM BEFORE SIGNAL.

"You heard the scream before you heard the stamping, didn't you?"
"Yes, sir."

"You heard the footsteps going back toward the metal room. Was that before or after you heard this scream?"
"That was before."

"And the scream was before Miss Monteen Stover came down?"
"It was before she ever went up."
"In your four statements to the police, you didn't say anything about seeing Mary Phagan, did you, that day?"
"I told the detectives."

"Well, who did you tell?"
"Mr. Starnes and Mr. Campbell."

"When did you tell about that scream?"
"I don't know the date. I told Mr. Starnes and Mr. Campbell."

"Did you tell these two things at the same time?"
"Not at the same time. I told them right after one another."

"Well, it was the same meeting?"
"Yes, sir."

"And after you heard the scream, you went to sleep, did you?"

"Not right then. I heard something else before I went to sleep."

"Well, what?"

"Miss Stover came in and went out."

"Now, did you tell the police the rest of this before or after you went to the jail?"
"It was afterwards."

"How long afterwards?"
"Quite a while."

"Well, after Monteen Stover went out you went to sleep?"

"Yes, sir."

"And the stamp woke you up, did it?"
"Yes, sir."

"How many times did you hear him stamp?"

"I heard Mr. Frank stamp three times."

"And then you went upstairs?"

"No, sir, I went and locked the door and then kicked twice on the elevator door, and went and sat down again."

"When did you first tell about kicking on the elevator door?"

"I told it to the detectives."

"What sort of shoes did Mary Phagan have on?"
"I noticed them after she was dead."

"Didn't you notice them before then?"
"No, sir."

"The only women you saw go up the stairs were the woman in green, Miss Mattie Smith and Miss Stover?"

"That's all, after we come back from Mr. Montag's."

"How long did Monteen Stover stay upstairs?"
"Just a little while."

"You said yesterday she stayed up there a good while, didn't you?"

"I don't remember saying that. I think I said she stayed up there about five minutes."
"How long did the lady in green stay up there?"
"It seemed to me about ten or fifteen minutes."

"How do you know?"
"I don't know. I'm only guessing."

JUST MAKING GUESSES.

"Oh, you're only guessing at all of this, then?"

"Yes, sir, I'm only guessing."

"How long after you heard him stamp before he whistled?"

"I couldn't say."

"With your best efforts, what do you think?"

"Ten or fifteen minutes."

"You heard nothing else for ten or fifteen minutes?"
"No, sir."

"What did you do when you heard him stamp?"
"I unlocked the door."

"And he whistled ten or fifteen minutes later?"

"Yes, sir."

"How long now do you say it was between the time he stamped and the time he whistled?"
"It didn't seem long."

"When you got up to the top of the stairs, what did you see?"
"I saw Mr. Frank, and he was trembling, nervous going on, and shaking himself."

"When did you first tell that?"
"I don't know."

"When you told the detectives about moving the body, and when you were telling the whole truth and nothing but the truth?"

"I don't know when."

"Whom did you tell?"
"Mr. Dorsey, Mr. Starnes and Mr. Campbell, I think Mr. Black and Mr. Scott."

"When did you tell Black and Scott?"
"I don't know."

ANSWERS EVASIVE.

"Did you tell Black and Scott about him looking wild in his eyes and about his face being red, when you were telling them the truth and nothing but the truth?"
"I don't know whether I did or not. I intended to tell it all then."

"You didn't mean to tell any stories on that day?"

"No, sir."

"That day when you told Black and Scott about moving the body, you meant to tell the whole truth—everything you remembered?"
"I don't know whether I did or not. I told the best I could remember."

"If you told anything else afterwards, it was because you just remembered it?"
"I guess you're right."

"You say Frank had a cord in his hand when you came upstairs?"

"Yes, sir, he had a cord, and he was trembling and shaking."

"I didn't ask you anything about him trembling and shaking. I asked you if he had a cord."

"Yes, sir, he had a cord."

"When did you tell that?"
"I don't know."

"The same day you were doing your best to tell the whole truth and nothing but the truth?"

STICKS TO STORY.

"I don't know. I couldn't think or everything that day."

"What did Frank do with the cord?"
"He threw it over near the saw on the left hand side of the building looking toward the office."

"He threw it over while he was standing there?"

"Yes, sir, when he was talking to me and telling me to hurry."

"What else did Frank say to you?"
"When I came up he asked me if I saw that little girl come up here a while ago. I told him ‘yes, sir, I saw two little girls go up, but I only saw one of them go out.'"

"You didn't tell that when you told about moving the body."

"I think I did."

"Did he say anything else standing there?"

STORY OF TRAGEDY.

"Yes, sir. He asked me if I saw that little girl come up here a while ago, and I told him, yes, sir, I saw two of them come up, and I saw only one go out. He said, ‘Uh-huh. That little girl that didn't go out came up to the office. She went back to the metal department to see about some work. I went back there with her. I wanted to be with her, and she refused me. I ain't built like other men, you know. I struck her and struck her too hard. Now you go back there and get her and bring her out. There's some money in it for you."

"What did he say he struck her with?"
"He didn't say."

"You didn't tell that to Black and Scott, did you? Didn't you tell them that Frank said he picked up a little girl and let her fall? And you didn't say he told you anything about hitting her?"
"Yes, sir, I think that's right."

"Well, why didn't you tell them, then?"
"I thought I did."

"Well, if you didn't, why didn't you?"
"It just come to my membrance."

"Jim, you've got a good mind, haven't you?"
"Yes, sir."

"Well, which did you tell the officers that time you were telling them the whole truth and nothing but the truth?"
"I told Mr. Black and Mr. Scott one time."

RELATES SAME DETAIL.

"On May 29, didn't you say to the detectives that Frank told you he'd picked up a little girl and let her fall? You claimed to be telling the whole truth, then. Why didn't you say he told you he struck her?"

"I remember now that then I told them that he struck her."

"You said yesterday that at the head of the stairs he told you he was not built like other men. Why didn't you tell Black and Scott that?"
"I'm certain I told Mr. Scott," said the negro.

"You say he told you back there what to do—get her and bring her to him. Didn't you know then that she was dead?"
"No, sir, I didn't."

"Why did you tell the detectives that he told you to bring her to the elevator?"
"I didn't tell them that then. It was after she fell he spoke of the elevator. At first he just said, ‘Bring her up here.'"

"You went back there and found her near the toilet—"

DORSEY AND ROSSER TILT.

Solicitor Dorsey jumped to his feet, objecting to the assertion made by the attorney. Mr. Rosser turned toward the solicitor and bellowed, "I said didn't you?" Mr. Dorsey sat down.

"You say that you found the cord around her neck and a place of her underclothes, don't you?"

"I don't know about it being her underclothes. I found a piece of white cloth around her neck, and the knot was tied behind her head and held her head up off the floor."

"When you were telling Black and Scott the whole truth, did you tell them about the cord?"
"I don't know. I told them all I could remember," said the negro.

"Didn't you say to Black and Scott that when you got to where the girl was you hollered back to Frank, ‘This girl is dead?' Why didn't you tell them that you were out to the door to say that?"
"I don't know. I don't remember what I told."

"When did you look at the clock?"
"It was four minutes to 1."

DIFFERENT CLOTH.

"You didn't say a word about that cloth that you wrapped Mary Phagan's body up in when you were telling your story to Black and Scott, did you?"
"Yes, sir, I told them."

"Jim, when you were talking to Frank up front, could you see the face of the clock?"
"Yes, sir."

"And you knew it was four minutes to 1?"
"Yes, sir."

"After that you got some burlap, didn't you?"
"Yes, sir."

"It wasn't the place we had here the other day, was it?"

"No, sir. It was a piece of different cloth, something like your shirt."

"How big a piece?"

"Well, it was longer than me."

"How wide was it—about two feet?"
"I don't know, sir."

"EXACTLY" TWO FEET.

"Well, what do you call two feet?"
"This is what I call two feet," said the negro, innocently putting the toe of his right foot against the heel of his left and holding them up. The court laughed.

"How many inches are there in a foot, Jim?"
"I don't know, sir."

Conley held his hands up about two and a half feet apart, and said the cloth was that wide.

"Well, what did you do with the cloth?"

"I went back to the metal room and laid it down on the floor. Then I picked up the girl's head and laid it on it. Then I rolled her over on it."

"When you were telling your story to Black and Starnes, you didn't tell them about coming down toward Frank's office, did you?"

COURT RECESSES.

"I told them some time, I don't remember when."

"Who was present?"
"I disremember."

Court recessed at this point, at 12:35 o'clock, until 2 o'clock.

AFTERNOON SESSION.

That the grilling of Conley was not to last many more hours, at his hands at least, was indicated by Attorney Rosser just before the

resumption of court Tuesday afternoon, in a remark to a newspaper man: "I'm about through with him."

A number of spectators sat through the noon recess in the court room, preferring that to risking their seats by gaoing [sic] out to lunch.

Frank, the accused, and his wife, sat in an ante-room of the court and lunched together. A few moments bef[o]re court was due to convene, they sent out for soft drinks.

Judge Roan stated before the trial began that he would permit the members of the jury to remove their coats at the afternoon session on account of the heat.

* * *

ON GROUNDS OF IRRELEVANCY ATTORNEY ARNOLD MOVES TO STRIKE PART OF TESTIMONY

He Asks That Conley's Statement That He Acted as "Lookout" for Frank, and Part of Testimony Attacking Frank's Personal Character Be Blotted From Record — Attorney Hooper eDclares [sic] Defense Has Waited Too Long to Enter Objection

MYSTERIOUS "MR. DALTON" MENTIONED BY CONLEY MAY BE CALLED BY SOLICITOR TO CORROBORATE NEGRO

It Is Said That Dalton Is Within Reach of State—With Conley Still Under Cross-Examination and Other State Witnesses, Including Dr. Harris, Yet to Be Heard, Indications Are Tuesday That Trial Will Last Three Weeks, If Not Longer

Attorney Arnold entered the court about two minutes late. Mr. Rosser had not arrived. Mr. Arnold asked the jury be sent out, and stated that he had several motions to make. The jury went out. The first, he said, was a motion to exclude certain testimony from the record on the ground that it was wholly irrelevant, incompetent and inadmissible. Mr. Arnold held a long typewritten document in his hands.

"We move, first," he said, "to exclude from the record all the testimony of Conley relative to watching for the defendant, and we withdraw our cross examination on that subject.

"Second, Mr. Arnold moved that a portion of the negro's testimony attacking Frank's character, which was brought out through questions propounded by the solicitor be ruled out."

When a recess was ordered in the Frank trial Tuesday at 12 o'clock, Jim Conley, the negro sweeper at the National Pencil factory had been cross examination for eight hours. Beyond

showing to the jury that Conley had been arrested seven times since his employment at the pencil factory, that the negro had lied in the several affidavits given by him to the police, and that by his own admission he had drunk a mixture of wine and beer on the morning of the Saturday that Mary Phagan was murdered, Luther Rosser had made little progress towards breaking [...]

free to admit in answer to the attorneys rapid fire of questions that he had not told the whole truth in the statements and affidavits made by him some weeks ago. The only explanation he gave was that he was not ready to tell it all at the time he made these statements and that he was holding back some of it." When, however, Mr. Rosser approached the negro's story as related on the stand Monday, he doggedly declared that he had told the truth. Questions hurled at him with a view to trapping him were without effect, for each time the negro was ready with an adriot [sic] reply.

It is believed that Conley will be under cross-examination during the rest of the afternoon, and possibly again Wednesday morning. When court adjourned late Monday, Attorney Reuben R. Arnold announced that the negro's examination was not half over, and it seems certain that the defense will exhaust every effort to break down the negro and secure from him admissions that the sensational story told by him on Monday is a fabrication.

The mysterious "Mr. Dalton" mentioned in the testimony by Jim Conley Monday as having made visits to the National Pencil factory in company with women who came there to see Leo M. Frank, the accused factory superintendent, has been located, it is said, and it was rumored in the court room Tuesday that Solicitor Dorsey would put him on the stand to corroborate portions of Conley's testimony.

A tablet of strychnine was given to the negro witness about 1 o'clock to prevent him from falling under the strain of Attorney Rosser's questions. The negro at the time had shown no signs of

weakness, but owing to his long confinement without exercise it was feared that the strain might prove too much for him to stand.

NO WOMEN ALLOWED.

At 8:40 o'clock Tuesday morning, when the doors were opened for the public to enter the court room, some 400 people were in the long single column of applicants for admission. Many of them had been there since 6 o'clock. About 250 were admitted, filling the court. Then the doors were shut. No women were allowed to enter.

Leo M. Frank, the accused, arrived at the court house about 8:40 o'clock, accompanied by Sheriff Mangum. James Conley, his negro accuser, arrived a few moments later in custody of a deputy sheriff, having spent the night incommunicado in the county jail. The negro was taken into the court room. Shortly afterward the defendant, Frank, his wife, his mother and his father-in-law, Emil Selig, entered court and gazed constantly at the negro, looking him out of countenance. His eyes evaded theirs. Judge Roan arrived several minutes before court was due to convene. The jury was there.

Attorney Rosser resumed the cross-examination of Conley immediately after court convened.

The attorney questioned the negro minutely with reference to the witness examination by detectives on May 22.

"When you talked to Black and Scott on Saturday, you told them that you wrote the notes on Friday, didn't you?"

"I don't remember the day, but I did tell them that."

"It was ont [sic] true, was it?"

"No, sir, it was not true."

CAN'T REMEMBER.

The negro couldn't remember anything more about that particular conversation. Attorney Rosser asked:

"They tried their best on May 27 to get you to make a change, didn't they?"
"No, sir."
"Didn't they tell you it wouldn't do—that it wouldn't fit in?"
"No, sir, they just asked me if that was all."

The negro couldn't remember the day of the week when that conversation took place, nor the day of the month.

"Well, on May 28, Scott and Lanford talked to you for four hours, didn't they?"

The negro answered that Detectives Scott and Lanford had talked to him for a good while, but he didn't know how long.

"Didn't they stay with you all day?" asked Mr. Rosser.

"No, sir."

"Well, at any rate, didn't they stick to you closer than brothers?"

The negro made no answer.

"Didn't they call attention to parts of your statement that didn't sound right?"

"Not to me."
"Well, what were they talking about all those hours?"

"They were talking about what I was talking about."
"What did you say to them, Jim?"

Attorney Rosser was referring to a book of typewritten pages while he questioned the negro.

TELLS ROSSER TO EXPLAIN IT.

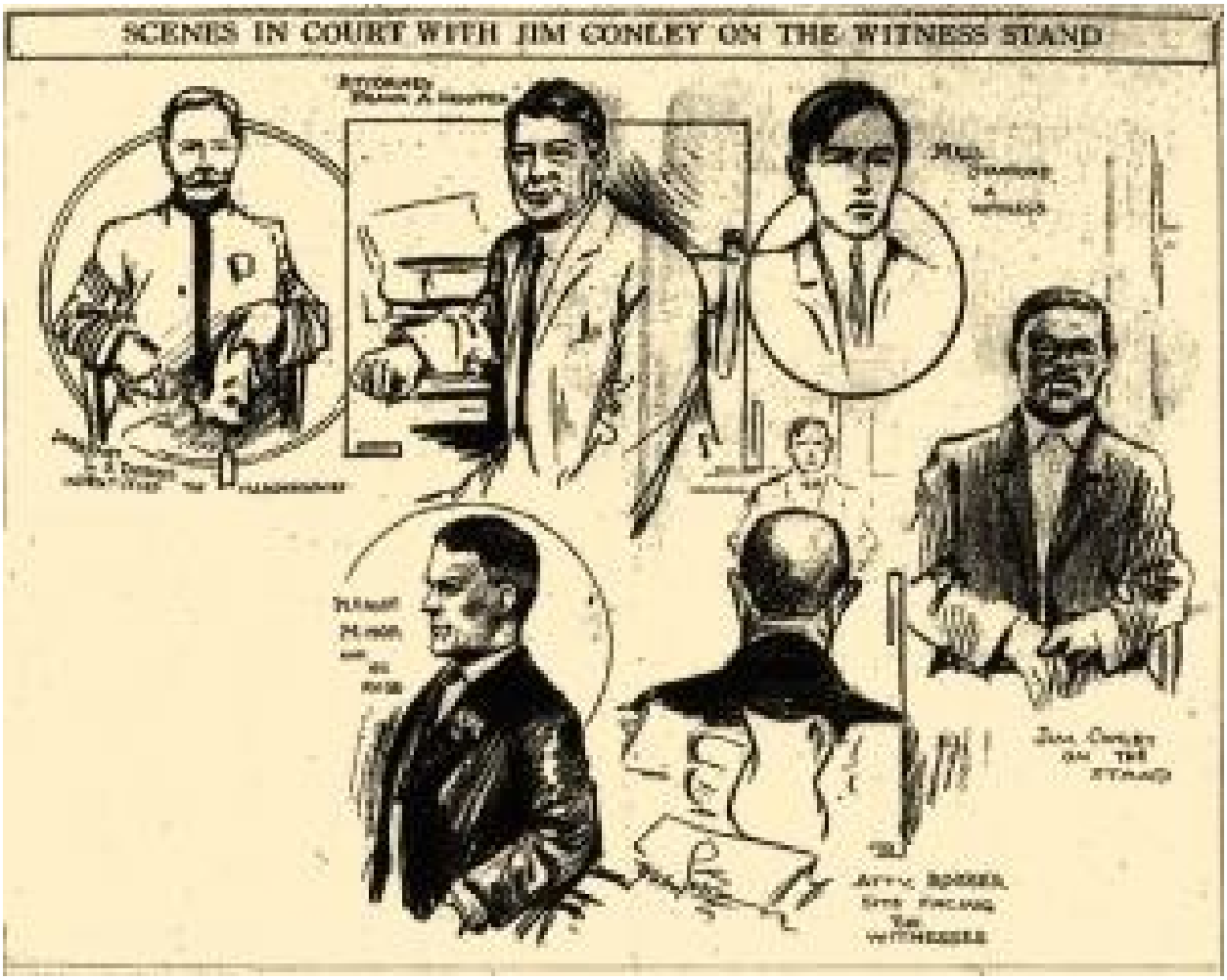
"You go on and explain it," answered the negro. "I can't remember. You've got the book."

"Mr. Black talked to you a lot, didn't he? And Mr. Lanford?"

"Mr. Black talked to me a good deal and Mr. Lanford a little."

Attorney Rosser continued to ask Conley about the third statement, made May 28.

"In this sta[te]ment, Jim, you changed [...]



CONLEY HOLDS OUT AGAINST ROSSER'S CROSS FIRE

[...] the time that you say you went to the factory, Friday to Saturday, didn't you?"

"I guess so. I don't remember the day, though."

"Why did you do it?"

"I didn't want to put myself in the factory at all on Saturday."

"You didn't want to get mixed up in it. Is that it?"

"Yes, sir, that's it."

WANTED TO KEEP OUT.

"That was the reason you didn't say you could write at first, wasn't it? You didn't want to get mixed up in it?"

"Yes, sir."

Attorney Rosser asked Conley a number of questions about the jail and the police station, drawing a comparison between the two. He asked the negro if he didn't like the police station better than the jail.

The negro replied that he liked both places as long as he had to stay in jail.

Solicitor Dorsey objected to these questions, unless the records of the police station and the jail were introduced in evidence. It was irrelevant anyway, said he.

Attorney Rosser replied to the solicitor.

"You needn't worry. I'm going to introduce those records. I'm going to show how you took him to the jail and then took him away from there right away, too."

Attorney Arnold said to the solicitor, "You needn't be afraid. We're going to put up the evidence."

Solicitor Dorsey replied: "Then I withdraw my objection, upon that assurance."

Attorney Rosser said: "I'll withdraw that statement. I don't want to commit myself."

"SHOOT ANY OLD WAY."

Solicitor Dorsey renewed his objection. After some more conversation, he withdrew it again. "Go ahead, shoot any old way," said the solicitor.

Attorney Rosser continued questioning the negro.

"So you finally, without any fear of anything, after four hours' questioning, went ahead and said you were going to tell the whole truth, did you?"

"Yes, sir. I told them that."

"Well, why did you tell that you didn't get up till 9:30?"

"Well, I was at the factory at 9:30, and I didn't want to tell them that."

"But you said you were telling the whole truth then?"

"I wasn't telling all of it."

"You told the officers you saw the clock on a negro university and it said 9 or 9:30, didn't you?"

"Yes, sir, I said I saw the clock, but I didn't tell them what time it was. I said I couldn't see the hands."

"Oh, you said it was cloudy and you couldn't see the clock?"

"Yes, sir."

"Did you see what time it was?"

"No, sir."

CLAIMS TRUTH NOW.

"Well, Jim, what are you telling isn't true, anyhow, is it?"

"Yes, sir."

"You say you couldn't tell the time; what time did you tell the officers you saw it?"

"I told them I thought it was about 9 o'clock."

"But it wasn't 9 o'clock, was it?"

"I told a story about the time."

"You told them you'd forgotten, but it was between 9 and 9:30, didn't you?"

"I disremember."

"What did you tell them you had for breakfast that morning?"

"A piece of liver steak, a piece of bread and a cup of tea."

"Didn't you tell them you had some sausage?"

"I told them there was some sausage on the table, but I didn't tell them I ate any of it."

"Did you ever see a negro fail to eat sausage when there was some on the table in front of him?"
"Yes, sir."

"What did you eat?"

"I ate some steak, some liver, some bread and some tea."

"You told the officers that you sat down in the chair a while after breakfast, didn't you?"

"Yes, sir."

"But that ain't so, is it?"

"No, sir."

TRIES TO TELL TRUTH.

"Jim, when did you really get up? Try to tell the truth, now. Tell us when you got up."
"About 6 o'clock."
"And you told the officers 9 or 9:30?"

"Yes, sir."
"You told the officers that you sat in a chair for about 10 minutes after you ate?"

"Yes, sir."

"Well, what else did you tell them at this time?"
"I disremember. If you'll read it to me, I can tell you."
"I guess you can. You told the officers that you went straight to Peters street, didn't you?"

"Yes, sir."

"Well, why didn't you tell me that?"

"READ IT AND I'LL TELL YOU."

"I forgot. I told you if you'd read it to me I'd tell you."

"You mean if I repeat the story you've learned, you can repeat it back to me?"

"No, sir."
"You told them that you went to a beer saloon on Peters street, didn't you?"

"Yes, sir."

"What beer saloon did you tell them you went to?"

"A saloon at the corner of Haynes and Peters streets."

"What else?"
"I told them I drank two beers and I saw a fellow in the saloon with a whip around his neck—a man who drives a dray."

"Did you tell ‘em this at that time?"

"I don't know about that time, but I did tell ‘em that."

"What did you tell ‘em was the name of that fellow that had the whip around his neck?"
"I told ‘em they called him Bob."

"In your statement on May 18 what saloon did you tell them you visited? A whole lot, eh?"

"I told them three saloons."

"This was the first time you ever talked to them?"
"I do not know if it was the first time."

"What saloon did you tell them you went to the second time you talked to them, when you told them you were going to tell the whole truth?"
"I disremember which ones I told them that time, but I can tell you the saloons."

FORGETS TELLING OF WHISKY.

"In that statement, didn't you tell them you bought some whisky?"

"I don't know if I told them about the whisky that time."

"You told them that you bought the liquor at 11 o'clock? That was a lie, wasn't it?"
"Yes, sir."

"Well, why did you tell them that? Why didn't you tell them it was before 8?"

"I didn't want to put myself in the factory twice."
"Why?"
"Because there was nothing doing there." The negro reaffirmed that this was his only reason for the statement.

"When did you first tell that you got to the factory at 8:30? Before or after they took you from the jail to police station?"
"I think it was afterwards."
"Then you've made most of these elaborate changes since you left the jail?"
"Yes, sir."

TOLD STORY TO STARNES.

"Whom did you first tell that you got to the factory at 8:30 instead of 10:30?"
"It think it was Detective Starnes and Campbell."

"And that was after you got back to headquarters."
"Yes."

"Whom did you first tell that you didn't leave home at 9 o'clock?"

"I don't remember."
"Well, why did you change the story?"

"Just because I knew that the truth was bound to come."

"Well, that was a long time after you had told that Mr. Frank got you to move the body, wasn't it? And you told them at that time that you were telling the whole truth, didn't you?"

At this point Solicitor Dorsey interrupted the cross examination, objecting to what he termed "the comments" of Mr. Rosser. In the course of his statement to the court, the solicitor said, "I have no objection to your going on here till Saturday night, but I want the examination to be conducted in a lawful manner."

CAN'T DISPUTE WITNESS.

Judge Roan stated that Mr. Rosser could ask the negro if he had not made certain statements, but that he could not argue or dispute with him.

"I'm not disputing with him. I'm treating him in a perfectly ladylike manner," retorted Mr. Rosser. He continued his examination.

"The first time you told about moving the girl's body, didn't you say you were going to tell the whole truth?"
"Yes."

"Still, in that statement you claimed that you got to the factory after 10 o'clock?"

"I don't know why I didn't correct it then, but I did afterwards," said the negro. "I don't think they asked me about it."

"Well, why didn't you correct them about the whisky then?"

"I did tell the truth about it, but I don't remember the time."

"Yes, but in that statement where you said you were telling the whole truth, you said it was 11 o'clock?"

"No, sir, I never did say it was at 11."
"How much beer did you tell them that you drank that morning?"

"Four beers."

"Didn't you tell them it was six beers and some of them double-headers?"

"I don't remember telling them that."
"The first saloon you got into, you told them you bought two beers, didn't you?"
"Yes, sir."

"Well, you told them you bought six beers altogether, didn't you?"
"No, sir, I said four or five beers."

"Didn't you tell them you had a couple of double-headers?"

"No, sir, I didn't say anything about double-headers."

"Well, did you tell ‘em you bought the wine, that time?"

PUT WINE IN HIS BEER.

"No, sir, I didn't tell them nothing about buying wine. I said I had some put in my beer."

"You didn't tell them that at that time, did you?"
"I'm not certain. I don't know about that."
"Well, then, isn't it a fact that you never told them you'd bought wine, until after you'd been brought back from the jail?"

"I don't know, sir."

"Well, when was it you bought this wine?"
"On Saturday morning."
"And you never told anybody about that until you were taken from the jail to the lockup?"
"I don't know. I told Mr. Black and Mr. Brott, though, some time."

"Well, when was it, Jim?"

"I don't know, sir, but I told them."

"Your memory isn't very good, is it Jim?"

"It's better this morning."
"Oh, it's improved over night, has it?"

FRANK LAUGHS.

At this juncture Leo M. Frank and Mrs. Frank both laughed, and the negro grinned.

"So the jail helped you out last night, did it, Jim?" Mr. Rosser continued.

"I don't know about that. It's better though, this morning."

"Oh, it's not any better this morning, is it?"

"Yes, sir."
"It was pretty bad last night, wasn't it?"
"No, sir, not so very bad."

Attorney Rosser asked Conley this question: "Now when you made the statement, you said you went straight from Peters street to the Capital City laundry, didn't you?"

"I don't know, sir."
"Ain't your memory good enough for that, Jim? Ain't it, Jim? Tell me."

"I remember going to the laundry. I don't know what I told them about it, though."

"Well, didn't you tell the detectives that you went from Peters street to the Capital City laundry and met Frank on the way?"

"I don't remember saying so."
"Didn't you tell it, now?" repeated Mr. Rosser.

"I don't know."

"Well, if I ask you if you remember a thing, and you say you do, and then I turn around and put it in different words and ask you again, you can't remember it, can you?"
"I don't know, sir."
"You told the officers the first time that you went from Peters street direct to Nelson and Forsyth streets, didn't you?"
"Yes, sir."

ADMITS FALSE STATEMENT.

"That was a story, wasn't it?"
"Yes, sir."

"But now you say you went from the factory to Nelson and Forsyth streets, don't you?"

"Yes, sir."
"Why didn't you tell them in your first statement that the first time you met Frank was after you left the factory?"

"I did tell them that."

"But not in your first story?"

"I don't remember which story it was."
"What officers did you tell that to?"
"I disremember. It was Mr. Starnes or Mr. Campbell or Mr. Scott or Mr. Black."

"Was that before or after you were brought back from the jail, that you told them that?"

"Before."
"How long before?"
"I don't know."
"In your first statement, didn't you tell them that when you met Frank at Nelson and Forsyth streets, he asked you where you were going?"
"I disremember."

"Then your memory's not any better today that it was yesterday evening? It doesn't improve?"
"Yes, sir."

WHAT FRANK SAID.

"Well, improve it again and tell me what Frank said to you."

"He said, ‘Ha, ha'—"

"That's what you say now. Tell us what you told the officers. Didn't you tell them that Frank asked you where you were going, and you told him you were going to the Capital City laundry to see your mother?"
"He said, ‘Ha, ha'—"

"I'm asking you what you told the officers before you told them he said, ‘ha, ha."

"I disremember."

"You don't remember telling the officers that he asked you where you were going, and that you answered you were going to the Capital City laundry to see your mother?"
"No, sir."

WASN'T TRUE.

"Well if you did tell the officers that, it wasn't true, was it?"
"No, sir, it wasn't so."

"In your statement to the officers, how long did you say Mr. Frank stayed at Montag Brothers?"

"I don't know."

"Didn't you say twenty minutes?"

"Yesterday you said you didn't have no idea how long he was gone."

"They told me to fix a time, and I told them the best I could."

"Did Mr. Frank stay an hour at Montag's?"

"I don't know how long."
"Well, you told the officers about twenty minutes?"

"That's what I told Mr. Scott."

"And you had no idea then, and you haven't got any idea now, how long he stayed at Montag's?"

"No, sir."

"Didn't you say yesterday that Frank didn't say anything to you from the time he left Nelson and Forsyth streets until the time he got to the factory?"

DIDN'T CATCH REMARK.

"No, sir. I said when he was in front of that store and liked to have run into the little baby, that he turned around and said something but I didn't know what he said."

"You didn't tell the police that?"
"Yes, sir."
"Whom did you tell?"
"I don't know which one."

"Was that before or after you got out of jail?"
"After."
"You got out of jail on June 11, didn't you?"
"I don't know, sir."
"Then you didn't tell that until after June 11?"
"I don't know. I told it after I got out of jail."
"Why didn't you tell about the baby transaction, when you were telling the story about moving the body?"

"I did tell them about it, but I don't know in what statement."

"Did you tell Mr. Dorsey that?"
"Yes, sir."
"After you got out of jail?"

"Yes, sir."
"How long after?"
"I don't know."
"Why didn't you tell the officers Frank wanted you to watch for him after you went back to the factory that Saturday?"

"I did."
"Well, why didn't you tell them that at the same time you were telling about moving the body?"

"I did tell them, but I don't know when."

"Well, tell me when and to whom you told that."

"I disremember."

"Why didn't you tell about his stomping his feet when you first told about moving the body?"

"I don't know when I first told about him stomping his feet."
"Whom did you tell about it?"

"Mr. Scott, Mr. Black, Mr. Campbell and Mr. Starnes."

In his examination, Attorney Rosser then left the statements which the negro had made to the police and began questioning him about what he actually saw and did on the morning of the tragedy.

QUESTION ABOUT TRAGEDY.

By a tedious examination, he brought out statements to the effect that the negro saw Darley and Miss Mattie Smith at the factory before he went to Montag's, and that he also saw Darley after he had returned. The negro said that on going to the factory that morning he remained about half an hour after his conversation with Frank. However, he replied, "yes" to this question: "You saw Darley and Miss Smith about 9:30 o'clock before you left, didn't

you?" Mr. Rosser asked him if he was certain of this, and the negro replied yes.

Attorney Rosser also brought out the statement that he saw Mr. Holloway talking to a peg-legged negro after he came back from Montag's and a short time before Darley finally left the factory. After talking to the peg-legged negro, said Conley, Mr. Holloway went upstairs, and came down again in about fift[e]en minutes later with a different coat on, and his hat, and left. The negro said that anyone coming down the steps could have seen him at the point where he was sitting on the box.

The negro stated, under continued questions, that for a long time he was mistaken and thought he saw Darley and Miss Smith after he went back to the factory from Montag's.

"Who corrected that?" demanded Mr. Rosser.

"I did myself—I just remembered it," said the negro.

"Whom did you tell—Mr. Dorsey?"
"Yes, and Mr. Starnes and Campbell, too." The negro added that he made the correction after he had been taken back from the tower to the jail.

"IF IT'S THERE I SAID IT."

"About the lady in green, Jim, didn't you tell the detectives that after Mr. Holloway went up she came down?"

"No, sir, I don't think I told ‘em that."
"Didn't you tell them that, Jim?"

"Well, if it's down there, I must have told them that, but I made a mistake if I did."
"Well, who do you say now went up first."

"She did."
"When did you say yesterday that Mr. Quinn went up?"
"I said he was the last man that went up."

"Well, didn't you tell the officers that you saw Mr. Holloway going up, and that then came a lady in a green dress?"
"I don't know. If I did, I made a mistake."

"How many mistakes did you make in this matter?"
"I don't know."
"How long did you tell the officers she stayed up there?"
"I don't remember."
"How long did she stay up there?"

"A good while."
"What do you call a good while, now, Jim?"
"Ten or fifteen minutes."

"Didn't you tell the officers she stayed up there six or seven minutes?"
"I don't know."
"Is that another mistake?"
"Well, if it's down there I must have said it."
"After that lady came down, how long was it before the next person came in?"

"I don't know."
"Why didn't you tell the officers about the other people that went up there that time?"
"Well, I didn't want to give them too many names then."

WANTED TO STEER CLEAR.

"You didn't want to be connected with it, huh?"

"I guess that's it," replied the negro.

"Well, four were enough to connect with it, weren't they?"
Before Conley could answer, Solicitor Dorsey objected to the question on the ground that it was a manner of argument. Judge Roan, after listening to Solicitor Dorsey's argument of about a minute, ruled: "Well, if it's a question of argument, I'll rule it out."
"May I ask your honor to have the stenographer read the question?" said Solicitor Dorsey. The stenographer read it. Judge

Roan held that it was a matter of argument, and Attorney Rosser said: "Well, then, I'll put it another way."

"You did know that four others went up and down and that all had an opportunity to see you?"
"Yes, sir, if they looked over there."

"You didn't tell about the others, for fear they would report on you?"

"I never had thought about it."
"Why didn't you tell the policemen about them?"
"I didn't think about it."
"Was it before or after you were in jail that you corrected the statement?"
"I don't know, sir."

"So that was just an honest mistake of yours, about people going up and down?"
"No, sir."

"Well, who did you correct it to?"
"To Detectives Starnes and Campbell."

"Where?"
"At police headquarters?"
"Was Solicitor Dorsey there?"
"I don't know, sir, whether he was or not."

"You are not sure, are you, whether you corrected this statement at police headquarters or at Dorsey's office?"
"I think it was at headquarters."
"How many times have you been to Mr. Dorsey's office?"
"Three times."
"How many times has Mr. Dorsey been to headquarters to see you?"
"About four times."

WANTED TO HOLD BACK.

"Then it took Mr. Dorsey seven times to get your statement straight?"
"I just told a little more each time."

"Then you'd add a little and take a little away?"
"I didn't want to tell it all."

"Why?"
"I wanted to hold back some."

"Well, when you told about helping Frank to move the body, you told it all, didn't you?"
"I don't know."

"You couldn't help Frank then by holding back anything, could you?"
"I don't know, sir."

"Well, why didn't you tell it all, then?"
"I wanted to hold back some."

"You had to correct a lot of stories?"

"Yes, sir, I had to make some corrections."

"You've been kept busy correcting your stories and adding to them?"

"No, sir."
"Well, it took Mr. Dorsey seven times to get it straight, didn't it?"

"I don't know. I didn't tell it all at any one time."

"You told the officers that as soon as Frank whistled you went up and found him at the head of the stairs?"

NEGRO TAKES STRYCHNINE.

The jury asked to be excused at this juncture. While the jury was out, Conley took a tablet that a court attache gave to him. It was explained that it was a strychnine tablet. "The negro is weak," said the attache, privately. "He's been locked up in a cell and hasn't had any exercise, and this physical strain is telling on him."

When the jury returned, Mr. Rosser resumed his questioning, the concluding question being forgotten for the moment. Mr. Rosser continued questioning the negro about his statements to the police.

When he brought from the negro the admission that a certain minor statement by himself was a lie, Solicitor Dorsey interrupted again with his previous objection against what he termed Mr. Rosser's effort to impeach the witness without resorting to the methods prescribed by the code for that procedure.

Mr. Rosser's question was read to Judge Roan, who held that the attorney had not followed the rule in that he had not called the negro's attention to the time, the place, and the people to whom he made the statement.

ROSSER CHANGES QUESTION.

"At the police station, on May 28, in the county of Fulton, state of Georgia, city of Atlanta, in the presence of Detectives Black and Scott," asked Mr. Rosser of the witness, "didn't you say that you went to a moving picture show that afternoon?"
"I didn't say that I went inside of a moving picture show," said the negro, "I told them that I went by a moving picture show and looked at the pictures on the outside."

"And that is the truth, is it?" asked Mr. Rosser.

"Yes, sir."

"Did you go back to Peters street before you went home?"

"Yes."

"How long did you stay?"
"About five minutes."
"How much beer did you drink?"
"About two glasses."

"Were they double-headers?"
"I don't remember."

"On May 29, to Black and Scott, you added some more things and said that that made the whole truth."
"I don't remember. I know that I kept adding things, several times, that I'd been holding back."

"After each of these additions you were visited by Mr. Dorsey, weren't you?"
"Not all of them."

"Then you visited Mr. Dorsey—I don't mean socially, but for these corrections."

"Yes, sir."

"He sure did," said Mr. Dorsey, in an aside.

Attorney Rosser again abandoned the negro's statements to the police.

"On Friday Frank talked to you and Miss Willis saw him, you said yesterday, didn't you?"
"No, I didn't say that. I said Miss Willis could have seen us."

"Well, the next morning, you just happened to meet Mr. Frank at the front door, did you?"
"We got there at the same time, but he went in ahead of me."

"Did you lock the door any time that day?"
"Yes, sir, I locked it."

"What time was it?"
"I don't know.

HEARD GIRL SCREAM.

"And you heard the screaming, and then the stamping? Did you lock the door then?"
"Yes, sir."

"But it was unlocked while you were upstairs, wasn't it?"

"No, I unlocked it when I heard the whistle, before I went upstairs."

"You said yesterday that Frank showed you that day how to unlock the door, didn't you?"
"Yes, sir."

"Well, hadn't he showed you before?"
"Yes, on Thanksgiving day."

"Well, why did he do it again?"
"I don't know."

"Anybody could have come in there while you were upstairs, couldn't they?"
"I don't know anything about that. I didn't see anybody."

"You say now that Frank went into the pencil factory a little before you?"
"Yes, sir."

"Well, yesterday, didn't you say you went in together?"
"I don't know."

RIGHT BEHIND FRANK.

"Well now, let's see." The attorney went through a transcript of the statement that Conley made Monday. Then he read Conley's answer in which Conley said Monday that Frank and he entered the factory together. "Did you make a mistaken, Jim?" asked Mr. Rosser.

"Well, I was right behind him."

"Did Frank say anything about the Capital City Laundry, at the factory, when you told him you wanted to go down there and see your mother?"

"Yes, sir."

"What were his exact words?"

"Well, I don't remember his exact words, but he said something about it."

"Well, now, tell me one thing Mr. Frank said when you told him you wanted to go to the Capital City Laundry."

"One thing he said was: ‘Don't let Mr. Darley see you.'"

"Oh, Jim, I don't mean that. I mean in answer to your telling him you wanted to go. What did you answer when I asked you that yesterday?"

Mr. Hooper objected to the question. He addressed the court. "Your honor, Mr. Rosser is examining this witness upon the record of yesterday. I submit that if he intends to pursue this line of questioning, he should put this in as evidence or let the witness read it or have it read to him. This is the same as any other written testimony.

SAME LIE TWICE?

"The witness has the right to refresh his memory on it the same as on any […]

WITNESS HAS UNDERGONE EIGHT HOURS' GRILLING

[…] other written testimony. The opposing counsel can't be allowed to discredit this witness in this manner. In the eyes of the law, the transcript of yesterday's testimony is now written evidence. It's written evidence as soon as it comes from the witness' mouth. It's a superhuman task for the witness to remember the sequence of the questions he was asked yesterday. I object to Mr. Rosser asking the witness questions in this manner."

Attorney Rosser arose. "It's not superhuman for the witness to tell the truth twice?" he expostulated. "Or a lie twice. I'm going to see if he can tell the same lie twice."

Mr. Hooper reiterated his argument, declaring it was unfair to the witness for the defense to proceed in this way. If Attorney Rosser was going to pursue this line of questioning, he would insist on the testimony being read to the witness to refresh his memory.

Mr. Rosser arose again and said that he didn't intend to ask the witness the sequence of the questions, and that he wasn't using

the transcript of yesterday's testimony to impeach the witness. "I've got ‘em," he said, "simply to aid my memory I want to see if he can repeat the answers to the questions I asked him yesterday."

Attorney Hooper said, "If he wants to do that, let the stenographer read the questions. He's sworn to read them correctly."

ROAN RULES WITH ROSSER.

After some other argument, Judge Roan ruled with the defense, with the understanding that the questions would not be argumentative or aimed to impeach the witness directly on his own testimony.

"Jim, did Mr. Frank tell you why he wanted you to meet him at Nelson and Forsyth streets?"
"No, sir."

"You could have come back to the factory from the laundry just as easily, couldn't you?"
"Yes, sir, if he hadn't told me to meet him."

"Jim, you told the officers first that you met Frank there by accident, didn't you?"
"I disremember."

"You got to Nelson and Forsyth streets about 10:30?"

"Between 10 and 10:30."

WHAT FRANK SAID.

"When you saw Frank going to Montag's it was after 10 o'clock and before 10:30. You don't know how long he stayed. I believe you said, but you thought it was about an hour?"
"Yes, sir."

"Then it must have been 11:30 when he came on back?"
"I don't know what time it was."

"When Frank saw you standing there at Nelson and Forsyth streets, what did he say?"
"He says, ‘Ha, ha! Ha, ha! You's here, is you?'"

"What else did he say?"
"Wait here a minute until I go to Montag's.' I was standing on Nelson street across Forsyth on the corner nearest toward Mitchell street."

"And you think you stood there waiting for Frank for about an hour?"
"I don't know."

"Well, what is the best of your recollection?"
"It might have been about a half an hour."

"You said just now it was about an hour?"
"I said I didn't know exactly."

DON'T KNOW.

"You don't know why he wanted you to meet him there?"
"No, sir."

"And that was all the conversation he had with you?"
"Yes, sir."

"When was it he told you that a young lady was coming to chat with him?"
"The last time was at the factory."

"He told you that, then, before you left the factory and after you got back to the factory?"
"Yes, sir. After we got back to the factory and just before he showed me about locking the door."

"What else did he tell you about the door?"
"He showed me how to turn the lock and told me nobody who didn't have a key could get in."

"Why didn't you tell us about the key yesterday?"
"I did."

"Now Jim, didn't he say he told you to just turn the knob and nobody could get in?"
"I told about the key."

"You say he told you he was going to stamp on the floor, and when you heard him stamp to lock the door, and when you heard him whistle to unlock the door and come upstairs?"

EXPECTING A CALLER.

"Yes, sir, he told me that after he told me to sit down on the box."

"He had told you about these signals before, hadn't he?"
"Yes, sir, on Thanksgiving."

"Why did he repeat it?"

"I don't know, sir."

"Then what?"

"When I saw down on the box Mr. Frank told me there was going to be a young lady up here directly and he was going to have a little chat with her."

"What's the name of the lady in the green dress, who came in?"

"I don't know."

"What time did she come in?"

"I don't know."

"Well, hadn't you been back from Montag's only five minutes?"
"I couldn't tell—it hadn't been long."

"How long did she stay?"
"About fifteen minutes."
"Did the peg-legged negro come then?"
"Yes."

"Didn't you say in your second tale to Black and Scott that the peg-legged negro came first?"
"I don't believe I did."

"How long had she been gone before the negro came?"
"Two or three minutes."

"Mr. Holloway went out to the wagon and talked with the man, didn't he?"
"Yes, sir."

"Didn't you say yesterday that he read a bill?"

"Not out at the wagon. He read that coming down the steps."

"How long was it before Darley came down?"
"Five or ten minutes."

"Then Holloway went out and the green dress lady went out, and then Quinn came, didn't he?"
"Yes."

COULDN'T MIX HIM.

"Did he go up and come back before Monteen Stover and Miss Mary Phagan went up?"

"He came up after Miss Stover had gone out. They were all three there almost together."

"Now, let's see," said Mr. Rosser. "First Quinn came and left, and then Miss Monteen Stover came, and then the lady that's dead?"

"No, sir," said the negro. "The lady that's dead came first, and then Miss Monteen went up and came back down."

"Are those all the people you saw?"
"I think so."

"Didn't you see Mrs. Mae Barrett?"
"No, sir."

"Didn't you see Miss Corinthia Hall, and Miss Hall, the stenographer, and the office boy, and Miss Emma Clark?"

"No, sir."

"Didn't you see Mrs. White?"
"No, sir."

"Well, then," said Mr. Rosser, "the people you saw there were Holloway, the peg-legged negro, Mr. Darley, the green dress,

Quinn, Miss Mary Phagan and Miss Stover?"
"Yes, sir," answered the negro.

"Well, did you stay right there on that box all the time?"
"No, sir. I left it twice for a minute or two."

"Are you certain you went to sleep after Miss Stover left?"

"Yes, sir."

"You locked the front door after you woke up?"
"Yes, sir."

"Didn't you get up to let somebody in?"
"No, sir, there wasn't nobody came."

"Mr. Frank didn't give you notice to lock the door until after Miss Stover had gone up, did he?"
"Not till after she came down."

SCREAM BEFORE SIGNAL.

"You heard the scream before you heard the stamping, didn't you?"
"Yes, sir."

"You heard the footsteps going back toward the metal room. Was that before or after you heard this scream?"
"That was before."

"And the scream was before Miss Monteen Stover came down?"
"It was before she ever went up."
"In your four statements to the police, you didn't say anything about seeing Mary Phagan, did you, that day?"
"I told the detectives."

"Well, who did you tell?"
"Mr. Starnes and Mr. Campbell."

"When did you tell about that scream?"
"I don't know the date. I told Mr. Starnes and Mr. Campbell."

"Did you tell these two things at the same time?"
"Not at the same time. I told them right after one another."

"Well, it was the same meeting?"
"Yes, sir."

"And after you heard the scream, you went to sleep, did you?"

"Not right then. I heard something else before I went to sleep."

"Well, what?"

"Miss Stover came in and went out."

"Now, did you tell the police the rest of this before or after you went to the jail?"
"It was afterwards."

"How long afterwards?"
"Quite a while."

"Well, after Monteen Stover went out you went to sleep?"

"Yes, sir."

"And the stamp woke you up, did it?"
"Yes, sir."

"How many times did you hear him stamp?"

"I heard Mr. Frank stamp three times."

"And then you went upstairs?"

"No, sir, I went and locked the door and then kicked twice on the elevator door, and went and sat down again."

"When did you first tell about kicking on the elevator door?"

"I told it to the detectives."

"What sort of shoes did Mary Phagan have on?"
"I noticed them after she was dead."

"Didn't you notice them before then?"
"No, sir."

"The only women you saw go up the stairs were the woman in green, Miss Mattie Smith and Miss Stover?"

"That's all, after we come back from Mr. Montag's."

"How long did Monteen Stover stay upstairs?"
"Just a little while."

"You said yesterday she stayed up there a good while, didn't you?"

"I don't remember saying that. I think I said she stayed up there about five minutes."
"How long did the lady in green stay up there?"
"It seemed to me about ten or fifteen minutes."

"How do you know?"
"I don't know. I'm only guessing."

JUST MAKING GUESSES.

"Oh, you're only guessing at all of this, then?"

"Yes, sir, I'm only guessing."

"How long after you heard him stamp before he whistled?"

"I couldn't say."

"With your best efforts, what do you think?"

"Ten or fifteen minutes."

"You heard nothing else for ten or fifteen minutes?"
"No, sir."

"What did you do when you heard him stamp?"
"I unlocked the door."

"And he whistled ten or fifteen minutes later?"

"Yes, sir."

"How long now do you say it was between the time he stamped and the time he whistled?"
"It didn't seem long."

"When you got up to the top of the stairs, what did you see?"
"I saw Mr. Frank, and he was trembling, nervous going on, and shaking himself."

"When did you first tell that?"
"I don't know."

"When you told the detectives about moving the body, and when you were telling the whole truth and nothing but the truth?"

"I don't know when."

"Whom did you tell?"
"Mr. Dorsey, Mr. Starnes and Mr. Campbell, I think Mr. Black and Mr. Scott."

"When did you tell Black and Scott?"
"I don't know."

ANSWERS EVASIVE.

"Did you tell Black and Scott about him looking wild in his eyes and about his face being red, when you were telling them the truth and nothing but the truth?"
"I don't know whether I did or not. I intended to tell it all then."

"You didn't mean to tell any stories on that day?"

"No, sir."

"That day when you told Black and Scott about moving the body, you meant to tell the whole truth—everything you remembered?"
"I don't know whether I did or not. I told the best I could remember."

"If you told anything else afterwards, it was because you just remembered it?"
"I guess you're right."

"You say Frank had a cord in his hand when you came upstairs?"

"Yes, sir, he had a cord, and he was trembling and shaking."

"I didn't ask you anything about him trembling and shaking. I asked you if he had a cord."

"Yes, sir, he had a cord."

"When did you tell that?"
"I don't know."

"The same day you were doing your best to tell the whole truth and nothing but the truth?"

STICKS TO STORY.

"I don't know. I couldn't think or everything that day."

"What did Frank do with the cord?"
"He threw it over near the saw on the left hand side of the building looking toward the office."

"He threw it over while he was standing there?"

"Yes, sir, when he was talking to me and telling me to hurry."

"What else did Frank say to you?"
"When I came up he asked me if I saw that little girl come up here a while ago. I told him ‘yes, sir, I saw two little girls go up, but I only saw one of them go out.'"

"You didn't tell that when you told about moving the body."

"I think I did."

"Did he say anything else standing there?"

STORY OF TRAGEDY.

"Yes, sir. He asked me if I saw that little girl come up here a while ago, and I told him, yes, sir, I saw two of them come up, and I saw only one go out. He said, ‘Uh-huh. That little girl that didn't go out came up to the office. She went back to the metal department to see about some work. I went back there with her. I wanted to be with her, and she refused me. I ain't built like other men, you know. I struck her and struck her too hard. Now you go back there and get her and bring her out. There's some money in it for you."

"What did he say he struck her with?"
"He didn't say."

"You didn't tell that to Black and Scott, did you? Didn't you tell them that Frank said he picked up a little girl and let her fall? And you didn't say he told you anything about hitting her?"
"Yes, sir, I think that's right."

"Well, why didn't you tell them, then?"
"I thought I did."

"Well, if you didn't, why didn't you?"
"It just come to my membrance."

"Jim, you've got a good mind, haven't you?"
"Yes, sir."

"Well, which did you tell the officers that time you were telling them the whole truth and nothing but the truth?"
"I told Mr. Black and Mr. Scott one time."

RELATES SAME DETAIL.

"On May 29, didn't you say to the detectives that Frank told you he'd picked up a little girl and let her fall? You claimed to be telling the whole truth, then. Why didn't you say he told you he struck her?"

"I remember now that then I told them that he struck her."

"You said yesterday that at the head of the stairs he told you he was not built like other men. Why didn't you tell Black and Scott that?"
"I'm certain I told Mr. Scott," said the negro.

"You say he told you back there what to do—get her and bring her to him. Didn't you know then that she was dead?"
"No, sir, I didn't."

"Why did you tell the detectives that he told you to bring her to the elevator?"
"I didn't tell them that then. It was after she fell he spoke of the elevator. At first he just said, ‘Bring her up here.'"

"You went back there and found her near the toilet—"

DORSEY AND ROSSER TILT.

Solicitor Dorsey jumped to his feet, objecting to the assertion made by the attorney. Mr. Rosser turned toward the solicitor and bellowed, "I said didn't you?" Mr. Dorsey sat down.

"You say that you found the cord around her neck and a place of her underclothes, don't you?"

"I don't know about it being her underclothes. I found a piece of white cloth around her neck, and the knot was tied behind her head and held her head up off the floor."

"When you were telling Black and Scott the whole truth, did you tell them about the cord?"
"I don't know. I told them all I could remember," said the negro.

"Didn't you say to Black and Scott that when you got to where the girl was you hollered back to Frank, ‘This girl is dead?' Why didn't you tell them that you were out to the door to say that?"
"I don't know. I don't remember what I told."

"When did you look at the clock?"
"It was four minutes to 1."

DIFFERENT CLOTH.

"You didn't say a word about that cloth that you wrapped Mary Phagan's body up in when you were telling your story to Black and Scott, did you?"
"Yes, sir, I told them."

"Jim, when you were talking to Frank up front, could you see the face of the clock?"
"Yes, sir."

"And you knew it was four minutes to 1?"
"Yes, sir."

"After that you got some burlap, didn't you?"
"Yes, sir."

"It wasn't the place we had here the other day, was it?"

"No, sir. It was a piece of different cloth, something like your shirt."

"How big a piece?"

"Well, it was longer than me."

"How wide was it—about two feet?"
"I don't know, sir."

"EXACTLY" TWO FEET.

"Well, what do you call two feet?"
"This is what I call two feet," said the negro, innocently putting the toe of his right foot against the heel of his left and holding them up. The court laughed.

"How many inches are there in a foot, Jim?"
"I don't know, sir."

Conley held his hands up about two and a half feet apart, and said the cloth was that wide.

"Well, what did you do with the cloth?"

"I went back to the metal room and laid it down on the floor. Then I picked up the girl's head and laid it on it. Then I rolled her over on it."

"When you were telling your story to Black and Starnes, you didn't tell them about coming down toward Frank's office, did you?"

COURT RECESSES.

"I told them some time, I don't remember when."

"Who was present?"
"I disremember."

Court recessed at this point, at 12:35 o'clock, until 2 o'clock.

AFTERNOON SESSION.

That the grilling of Conley was not to last many more hours, at his hands at least, was indicated by Attorney Rosser just before the resumption of court Tuesday afternoon, in a remark to a newspaper man: "I'm about through with him."

A number of spectators sat through the noon recess in the court room, preferring that to risking their seats by gaoing [sic] out to lunch.

Frank, the accused, and his wife, sat in an ante-room of the court and lunched together. A few moments bef[o]re court was due to convene, they sent out for soft drinks.

Judge Roan stated before the trial began that he would permit the members of the jury to remove their coats at the afternoon session on account of the heat.

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